

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KENNETH ROSE,

Plaintiff,

-vs-

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.  
\_\_\_\_\_ /

CASE NO. 06-CV-15543

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

**ORDER**

**(1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;  
(2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT;  
AND (3) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Before the Court is the Magistrate Judge's October 10, 2007 Report and Recommendation denying Plaintiff's Motion for Summary Judgment and granting Defendant's Motion for Summary Judgment. (Doc. No. 16). Neither party has filed timely objections under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d). Having reviewed the Magistrate Judge's conclusions of fact and discussion of law, the Court hereby:

- (1) **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 16);
- (2) **DENIES** Plaintiff's Motion for Summary Judgment (Doc. No. 12); and
- (3) **GRANTS** Defendant's Motion for Summary Judgment. (Doc. No. 15).

**SO ORDERED.**

s/Paul D. Borman

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: November 6, 2007

# CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on November 6, 2007.

s/Denise Goodine

Case Manager